Note: Accused was released on bail vide Court Order dated 15.09.2006 In Crl.R.C.M.P.No.2240 of 2006.

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE THIRD DAY OF MARCH TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE NO: 1558 OF 2006

Criminal Revision Case Under Section 397 & 401 of Crl.P.C against the Judgment in Crl.A.No.77 of 2000 dated 19.04.2006 on the file of the Court of the V Additional Sessions Judge, (Fast Track Court) at Nizamabad, Preferred against the Order in CC.No.329 of 1998, dated 07-09-2000 on the file of the Court of the Judicial Magistrate of First Class (Special Mobile Court) at Nizamabad.

Between:

Shaik Abdul Gaffar, S/o Shaik Mohammad, aged 29 years, Occ: Business, R/o Quilla Road, Near Mohammadiya Mosque, Nizamabad, Nizamabad District.

...PETITIONER/ACCUSED

AND

The State of Andhra Pradesh, Through the Station House Officer, P.S. Town IV, Nizamabad, through it's Public Prosecutor, High Court of A.P., at Hyderabad.

...RESPONDENT/COMPLAINANT

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Revision Case and upon hearing the arguments of Sri D. Purnachandra Reddy, Advocate for the Petitioner and of the Public Prosecutor on behalf of the Sole Respondent.

The Court made the following: ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRL.R.C.No.1558 of 2006

JUDGMENT:

This Criminal Revision Case is directed against the judgment of the learned V Additional Sessions Judge (Fast Track Court), Nizamabad, in Crl.A.No.77 of 2000 dated 19.04.2006, whereby the learned Judge, confirmed the conviction and sentence of rigorous imprisonment for one year and to pay a fine of Rs.100/- in default to suffer rigorous imprisonment for three months imposed against the revision petitioner for the offence punishable under Section 379 of I.P.C. by the learned Judicial First Class Magistrate (Special Mobile), Nizamabad, in C.C.No.329 of 1998 dated 07.09.2000.

Brief facts of the case of the prosecution are that on the night of 24.09.1997 the revision petitioner/accused committed theft of Bajaj Cub Scooter bearing No.AP 25 2197 worth Rs.10,000/- belongs to P.W.5-K.Sangameshwar from his house. Basing on the complaint lodged by P.W.5, a case in Crime No.114 of 1997 has been registered against the revision petitioner for the offence punishable under Section 379 of I.P.C.

and after completion of investigation the police filed a charge sheet against the revision petitioner/accused. The revision petitioner/accused was tried for the offence punishable under Section 379 of I.P.C.

The prosecution has examined P.Ws.1 to 6 and got marked Exs.P1 and P3 to prove the guilt of the revision petitioner/accused. On behalf of the revision petitioner/ accused, neither oral nor documentary evidence was adduced. On a perusal of the entire evidence, both oral and documentary, the trial Court found the revision petitioner/accused guilty of the offence punishable under Section 379 of I.P.C. and accordingly convicted and sentenced him as stated supra.

In an appeal preferred by the revision petitioner-accused, the learned appellate Court dismissed the appeal and confirmed the conviction and sentence imposed against the revision petitioner/accused. Aggrieved by the same, the revision petitioner/accused preferred this criminal revision.

Heard learned Counsel for the revision petitioner/ accused, the learned Assistant Public Prosecutor for the respondent-State and perused the record.

There is concurrent finding of both the Courts below with regard to guilty of the revision petitioner/accused and the learned Counsel for the revision petitioner/accused has also not shown me anything, which would discredit the evidence. Therefore, there is no interference warranted as far as conviction is concerned, but with regard to the sentence, it may be mentioned that the offence took place in the year 1997 and almost 24 years have passed and during this period the revision petitioner/accused must have repented for what he did. In these circumstances and in the interest of justice, it is expedient to reduce the sentence of imprisonment to the period already undergone by the revision petitioner/accused, while maintaining the sentence of fine.

The Criminal Revision Case is disposed of and the sentence of rigorous imprisonment for one year for the offence punishable under Section 379 of I.P.C. is reduced to the period already undergone by the revision petitioner/accused while maintaining the sentence of fine.

SD/-CH.VENKATESHWARULU
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The V Additional Sessions Judge (FTC) at Nizamabad. (with records)
2. The Judicial First Class Magistrate (Special Mobile Court) at Nizamabad.
3. The Superintendent, District Jail, Khilla, Nizamabad.
4. One CC to Sri D. Purnachandra Reddy, Advocate [OPUC]
5. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies
7. One Spare Copy

gbr

HIGH COURT

DATED: 03/03/2022

ORDER

CRL.RC.No.1558 of 2006

DISPOSING OF THE CRIMINAL REVISION CASE.